

February 3, 2012

Via Email & U.S. Mail

Kathryn J. Tobias, Esq.
Senior Staff Counsel
California Department of Parks & Recreation
1416 Ninth St., 14th Floor
Sacramento CA 94296-0001

Re: Public Records Act Request re Yosemite Slough

Dear Ms. Tobias:

I write with regard to your letter of January 25, 2012 in response to our Public Records Act request of December 29, 2011 to the California Department of Parks & Recreation ("DPR"). The response is inadequate. DPR provided 112 pages, consisting of a permit index prepared for the California State Parks Foundation ("CSPF") by WRA Environmental Consultants, and two appendices to the Project Manual for Candlestick Recreation Area Yosemite Slough restoration Area, but not the Project Manual itself.

As you know, our Public Records Act request sought, among other things, "the sampling and laboratory analysis of soil, soil gas, groundwater, air, or tidal water in the vicinity of Yosemite Slough and the lands adjoining the slough." Attached is a copy of the CSPF's January 2012 edition of the *Slough News*. It includes an article by Gary Smith of DPR, who was copied on your letter to me. Mr. Smith wrote,

In September [2011], after reviewing the results of the Sampling and Reuse Plan report, it was determined that the project could move forward. Northgate Environmental Management, the project geo-technical engineers, had broken down the entire site into 1,000 cubic yard cells, much like a huge Rubik's Cube, in order to test for as balanced a site as possible. Thankfully, the site was cleaner than previously thought and I now had confirmation that we could continue on with the project and bring on the "Yellow Iron."

January 2012 *Slough News* at 2. We do not understand why DPR has not provided us with a copy of the Sampling and Reuse Plan report referenced by Mr. Smith. We request that DPR tell

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us which and how many other responsive documents are being withheld. We expect that DPR will provide a sufficient response to our December 29, 2011 Public Records Act request within the legally mandated time period.

For your convenience, we remind you that, in accordance with the California Public Records Act, Cal. Govt. Code §§ 6250-6270, we requested all documents in the possession of DPR relating to the Yosemite Slough wetlands restoration project generated between January 1, 2010 and December 31, 2011, including, but not limited to, all documents relating to the following:

- the sampling and laboratory analysis of soil, soil gas, groundwater, air, or tidal water in the vicinity of Yosemite Slough and the lands adjoining the slough; and
- the opening in November 2011 of the newly excavated area on the northern shore of Yosemite Slough to the tidal waters in the slough, including but not limited to DPR's decision to open the area to tidal influx before any remediation of the sediments in the slough, any permits authorizing the opening, and communications with third parties beforehand (*e.g.*, U.S. EPA, the City & County of San Francisco, community groups).

Thank you in advance for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink, reading "Nicholas W. van Aelstyn". The signature is written in a cursive, flowing style.

Nicholas W. van Aelstyn

cc: California State Parks Legal Office, 1416 9th Street, Room 1404-6, Sacramento, CA 95814